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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 31st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 April 2000, at 3 p.m.

Chairman:	Mr. SIMKHADA	(Nepal)
later:	Mr. IBRAHIM (Vice-Chairman)	(Sudan)

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The meeting was called to order at 3.15 p.m.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

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(agenda item 11) (continued) (E/CN.4/2000/3 and Add.1-3, 4 and Add.1 and 2, 9 and Add.1-3, 54, 55, 56 and Add.1 and 2, 57-59, 60 and Add.1, 61 and Corr.1 and Add.1 and 2, 62, 63 and Add.1-4, 64 and Add.1, 115, 125, 126, 132, 133 and 135; E/CN.4/2000/NGO/2, 6, 9, 10, 20, 27, 29, 33, 41, 45, 50, 60, 62-64, 78-81, 91, 92, 95, 104-106, 111, 118, 126, 129-135, 138, 141 and 143; E/CN.4/Sub.2/1999/27; A/54/177 and Corr.1)

1. Mr. ALFONSO MARTINEZ (Cuba) said that, as his delegation had already stressed in the past, it was a matter of urgency that the Commission should revise its working methods in depth. Two years previously, the Commission had approved a restructuring of its agenda. The result had, unfortunately, not been satisfactory. Economic, social and cultural rights were still not considered on an equal footing with civil and political rights and there was a whole series of politically sensitive issues of capital importance that in some ways it was currently even more difficult to analyse seriously.

2. Agenda item 11 covered no less than 16 different topics, dealt with in 76 documents, comprising five reports by the Secretary-General, two by the High Commissioner, three by working groups, five by thematic special rapporteurs and one by an independent expert, as well as 20 documents for consultation from the General Assembly, the Commission or the Sub-Commission and some 40 non-governmental organizations (NGOs). It all amounted to 1,174 pages which delegations were required to study in a very limited time. The documents were, moreover, often only available at a very late stage, sometimes just when they were about to be considered, as in the case of the reports of the Special Rapporteur on the question of torture or the Special Rapporteur on freedom of opinion and expression. Delegations' time was also taken up by the consideration of draft resolutions, the contents of which were urgently negotiated in the course of numerous consultations in parallel with plenary meetings.

3. That being the situation, his delegation would like to know what had become of the rule requiring documents to be submitted six weeks before the start of each session of the

Commission. It wondered how many delegations had been able to read all the documentation supplied and whether, in the unlikely event of their having done so, they would have had time to weigh up all the implications. It was also doubtful whether they could really express their ideas on every topic in the 12 minutes allotted to them. The question arose what contribution the majority of the States members of the Commission could make to the discussion, particularly those with small delegations, in other words mainly the countries of the South, and who gained from such a deplorable situation.

4. It was clear that with the meagre resources allocated to it – due to the fact that certain States, particularly the United States of America, did not pay their contributions – the Conference Services Division did not have the means to meet requirements. If that crisis situation were to persist, the most reasonable solution would be to consider certain topics every two years, or even every three years, and not annually as was currently the case. His delegation hoped that the possibility would be given serious consideration.

5. There were three negative characteristics of the reports submitted under what was called the thematic "special procedures": a tendency to concentrate on allegations of human rights violations in the countries of the South; the inflation of the "urgent appeals" to States; and the Secretariat's disproportionate application of the rule concerning the number of pages a report could have.

6. In connection with the report of the Working Group on Arbitrary Detention (E/CN.4/2000/4 and Add.1 and 2), his delegation considered that the fact that the Working Group had, the previous year, addressed 101 "urgent appeals" to the Governments of 39 countries (of which only Belarus, the Federal Republic of Yugoslavia and Turkey formed part of the continent of Europe) distorted the exceptional nature of the procedure. Of the 36 Opinions expressed by the Working Group, only 6 concerned developed countries of the North, and, in the case of three of them, the detention was deemed not to be arbitrary. His delegation approved, however, the conclusion by the Working Group that it was justifiable to transmit communications and urgent appeals to the Government of Israel concerning detention in Al-Khiam prison.

7. In the case of the report by the Special Rapporteur on the question of torture (E/CN.4/2000/9 and Add.1 to 4), his delegation deemed it regrettable that the Special Rapporteur repeatedly used the terms "prisoners of conscience" and "human rights defenders", which belonged rather to NGO documents than to those of the United Nations. It was unable to see either in what sense resolutions adopted by the Commission on Human Rights at its fifty-fifth session were also pertinent to the Special Rapporteur's mandate (as paragraph 2 of the report stated), particularly as the following paragraph dealt with the desire to avoid duplication of activity. Furthermore, the practice of the Special Rapporteur on the question of torture submitting to the General Assembly a preliminary version of the report he was to present to the Commission was not really of any practical utility and should be discontinued. With reference to paragraphs 343, 344 and 351 of the Special Rapporteur's report, his delegation repeated that the Cuban Government had been unable to furnish the particulars required because the information the Special Rapporteur had given it on the persons concerned had been incomplete. In addition, his delegation did not agree with the recommendation by the Special Rapporteur in paragraph 1209 of his report that the Commission should endorse the text annexed to the report.

On the other hand, it considered that the communications submitted to the Commission by three NGOs, concerning the situaton of Leonard Peltier, who was still in detention in the United States, were justified; the Special Rapporteur referred to his situation in paragraph 1117 of the report.

8. Since the role of democracy in the exercise of civil and political rights was very much at the forefront of discussion, its beneficial effects on economic, social and cultural rights should also be stressed. The establishment in Cuba of a genuine democracy in 1959 – a democracy in accordance with the island's traditions and needs – had made possible also the participation of the citizens in political life and the realization of the rights to education, housing, work and health. It was unacceptable that the term "democracy" should in a sense be the "private property" of States which defended their own view of the world. His delegation rejected the idea that the existence in a country of an institutional and development model based on socialism was an obstacle to the promotion and protection of human rights and fundamental freedoms. It was quite the contrary, since it was only as a result of that model that rights and freedoms could be guaranteed in Cuba.

9. Mr. COLE (Nigeria) said that, if Nigeria had emerged from a dramatic period of human rights violations, it was partly as a result of the positive role played by the international community in general, and the Commission in particular. Since President Obasanjo had himself been a victim of the repression, he was all the more determined to ensure that all Nigerians would be able to exercise their civil and political rights. The fundamental principles of democracy, namely, respect for the rule of law, transparency, accountability and good governance were the guiding philosophy of the Government. The people subscribed to those principles not because of pressures exerted by outsiders but because it considered them to be the key to its well-being. The establishment of democracy after some 15 years of military dictatorship had, no doubt, advanced the cause of the citizens' civil and political rights, but it was important to remain vigilant to preserve those new-won rights.

10. Democracy must also permit a response to the population's economic, social and cultural needs. States must take all appropriate steps in that regard. Using various means, including a poverty alleviation programme, President Obasanjo's Government was endeavouring to meet needs in terms of employment and access to social services – health, education, drinking water and low-income housing. Unfortunately, its action, like that of other developing countries, was hampered by a heavy debt burden. Resources which could have been devoted to social and economic programmes were allocated to debt servicing.

11. The phenomenon of corruption was a pernicious violation of the rights of the people. Enormous damage had been done to the economic well-being of the Nigerian people by the siphoning off of public funds to foreign banks. The sum of Nigeria's assets stacked away abroad was estimated at US$ 55 billion. Its external debt was approximately US$ 30 billion, while a budgetary provision of US$ 1.5 billion had been made for servicing the debt. It went without saying that recovery of the assets stolen and placed in foreign financial institutions would be of great assistance to the public budget and national development programmes. His Government believed that the time had come for the elaboration of an international convention on the recovery of stolen assets and the punishment both of the perpetrators of the theft and the financial institutions which accepted the funds. He called upon the Commission to take up the

issue at its current session. The international community could not continue to condemn corruption in all its forms and then refuse to initiate concerted action. The Commission should also take resolute action to eradicate poverty, one of the greatest violations of the rights of individuals and peoples.

12. Nigeria had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1987. The current democratic Government had already initiated action for its ratification. The era of illegal detentions was over. The new Constitution guaranteed the independence of the judiciary and freedom of religion and conscience for all citizens. There was no state religion in Nigeria. Military service was not obligatory and the armed forces comprised volunteers only. The question of conscientious objection to military service thus did not arise.

13. The events currently unfolding in various parts of the world showed that the Commission must continue to work tirelessly on behalf of human rights and to combat impunity.

14. Mr. LI Baodong (China) said that, while his Government was committed to the realization of economic, social and cultural rights, it also attached great importance to civil and political rights. The concept of a state subject to the rule of law had been formally incorporated into the Constitution in 1999. Chinese society was in a phase of transition between two systems; supremacy of power was about to give way to supremacy of law and after the overemphasis on duties to the detriment of rights, a balance would be established between rights and obligations.

15. Important steps had been taken to consolidate legislation, develop legal training and ensure better supervision of law enforcement. Several new laws reinforced the rights of individuals during criminal proceedings and the monitoring of administrative acts. Citizens were better informed about legal provisions and how to defend their rights and interests. A reform of the judicial system to enhance the administration of justice was in progress.

16. The Chinese Constitution guaranteed freedom of religion and belief. There were currently more than 85,000 sites for religious activities in China, over 3,000 religious organizations and 75 religious colleges. The number of Christians had grown from 700,000 in 1949 to more than 10 million. The China Christian Council had printed and distributed over 23.8 million copies of the Bible. Chinese legislation explicitly prohibited torture and severely punished its use. Machinery had been established for the purpose of supervision and law-enforcement personnel had received appropriate training. China had become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988 and his Government had so far submitted three reports on its implementation. Great efforts had been made to strengthen the legal system and promote democracy. Considerable progress had been recorded in the protection of all civil and political rights.

17. Those achievements were acknowledged by anyone free of bias and could not be denied by the United States or other Western countries or by a handful of NGOs. The human rights record in the United States, on the other hand, was deplorable: racial discrimination against blacks and coloured persons, police brutality, judicial corruption and injustice. It was the country with the highest proportion of prisoners among its population. The self-proclaimed democracy of the United States served only the interests of a small number of wealthy people.

The United States had ratified the International Covenant on Civil and Political Rights but with several declarations and reservations. In the circumstances, he wondered whether the people of the United States really enjoyed civil and political rights. Rather than proffering arrogant and baseless accusations against other countries, the United States Government should face up to its own shortcomings in human rights. Democracy and the rule of law were not the monopoly of any country. In order to reinforce them, the authorities of his country were ready to adopt all the sound practices existing in the world. Differences in actual country conditions, however, made it imperative not to copy mechanically what was done elsewhere. The Chinese authorities preferred to adopt measures suited to local conditions and in line with the needs of their people.

18. Rights and obligations were indivisibly linked. The two International Covenants on Human Rights provided that the exercise of rights was not absolute and that necessary restrictions should be imposed. In China, no one was prosecuted for holding an opinion different from that of the Government or for setting up an NGO in accordance with the law. However, the Chinese courts must punish, as the law provided, crimes such as that of endangering national security or of organizing a dangerous cult liable to cause the death of its members. The fact that the United States and a handful of other countries had engaged in unwarranted interference in China's judicial affairs and labelled the lawful punishment of criminal activities a violation of human rights showed that their vaunted defence of judicial independence and human rights was bogus but that their desire to exert political pressure on other countries in the name of human rights for reasons of domestic politics was quite genuine.

19. Mr. NASR (Observer for Lebanon) said that, in the small town of Al-Khiam in occupied southern Lebanon, there was a detention camp where violations of civil rights, including torture, were committed systematically. Responsibility for those violations belonged to Israel, the occupying Power, as emerged from the report of the Working Group on Arbitrary Detention (E/CN.4/2000/4). It was Israel that had established the camp on occupied Lebanese territory which it called its "security zone". It was the Israeli police which carried out interrogations of the detainees and practised torture. The Al-Khiam detention camp currently contained 140 Lebanese detainees of both sexes, whose ages varied from 14 to 70. They were all held arbitrarily; they had no access to a lawyer and had not been tried. Detainees were subjected to various forms of torture but also suffered from lack of medical care and health problems due to malnutrition. Medical examinations of released detainees had revealed pulmonary problems, hip and skull fractures and dermatological infections. Detainees were not allowed to receive visits from their families or humanitarian organizations.

20. His Government urged the Commission to take steps to ensure the closing of Al-Khiam detention camp and the release of the detainees and also of the 34 Lebanese prisoners in Israeli prisons who were also victims of those violations.

21. Mr. KODAGODA (Sri Lanka) said that, first of all, he wished to express his deep appreciation to the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Mrs. Kalliopi Koufa, for her report on terrorism and human rights (E/CN.4/Sub.2/1999/27). Over the years, the international community had gradually become aware of the problem of terrorism and its relationship with human rights. It had also recognized the difference between entities striving for liberation by internationally accepted means and

terrorist groups. Those who committed indiscriminate violence and assassinated political leaders and human rights defenders could not be accepted as "liberation fighters" but should be condemned as "terrorists".

22. Terrorism not only affected the life and dignity of human beings but threatened the basic fabric of democracy. His delegation was happy to note that the international community had finally come to accept that terrorism was a serious violation of human rights and that, although committed by "non state-entities", should be sanctioned. The international community should play a more active role in deterring and punishing the action of non-state entities. It was also important that States and regional bodies should monitor the activities of terrorist groups even if they did not take place directly on their territory. As in the case of organized transnational crime, dealing with terrorism required international and regional cooperation. The South Asian Association for Regional Cooperation against Terrorism (SAARC) could be cited as an example of an effective regional instrument.

23. There was no denying the work accomplished by domestic and international NGOs in the field of human rights, but it would be commendable if those groups were clearly to condemn the indiscriminate acts of terror perpetrated by terrorist groups. Such an attitude would help States endeavouring to protect the fundamental rights of their population against the violence unleashed by terrorist groups.

24. His was a country that had suffered immensely from terrorism. Several political and community leaders had been assassinated by separatist terrorists. Tens of thousands of innocent civilians has been killed or maimed. On 18 December 1999, the President of Sri Lanka had been the target of a suicide bomb attack commissioned by the Liberation Tigers of Tamil Eelam (LTTE); she had escaped death but had sustained injuries. Terrorist acts had also caused enormous damage to public and private property and had set back economic development. Terrorism had affected other nations too, since the Prime Minister of a neighbouring country had been assassinated by separatist terrorists. On several occasions terrorism had hindered political processes aimed at resolving the ethnic problem in Sri Lanka.

25. His delegation urged the Commission to evolve a mechanism to act effectively against violations of human rights committed by terrorist groups and to impose punitive measures on them in accordance with relevant international conventions.

26. Mr. CHANG Man-soon (Republic of Korea) said he would begin by commenting on the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2000/64 and Add.1). He found it disturbing that 300 new cases of disappearances had been transmitted from 23 countries to the Working Group in the course of the past year. The fact that only 3,000 out of 46,000 cases of disappearances had been resolved since 1980 clearly illustrated the extent of the grave problem and also gave an idea of the difficulties facing the Working Group in its search for solutions. The Commission should discuss means of ensuring the effective implementation of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance.

27. Moreover, the Commission should spare no effort to facilitate progress in the work on the optional protocol to the Convention against Torture, another form of gross violation of human

rights which still persisted in many regions of the world. It should further reinforce the urgent appeal procedure. His delegation, noting with concern that few Governments had replied to the Special Rapporteur's urgent appeals, called upon the Governments concerned to give him their full cooperation.

28. In view of the very useful role of NGOs and the media in the fight against torture, his delegation shared the concerns expressed by the Working Group on Arbitrary Detention in its report (E/CN.4/2000/4) about the increasing number of violations perpetrated against human rights defenders. The Commission should therefore be seriously envisaging the follow-up to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly in 1998.

29. In order to enable the working groups to resolve the cases submitted to them, it was indispensable to put an end to the culture of impunity. Perpetrators of human rights violations should be brought to justice in their own countries or elsewhere. His delegation looked forward to an early entry into force of the statute of the International Criminal Court of which the Republic of Korea was a signatory.

30. His Government would continue to take appropriate steps to protect human rights and guarantee civil and political rights more effectively. He mentioned in particular the bill to establish a national human rights commission which would be considered by the new national assembly as soon as it was constituted following the forthcoming general elections.

31. Mr. LESSIR (Tunisia) said that the Commission on Human Rights provided a suitable framework for reflecting on ways and means of better promoting civil and political rights in the world, identifying the difficulties hindering their implementation and helping countries to make progress towards achieving them. For that reason its discussions should be marked by more mutual comprehension vis-à-vis each country's realities, by the desire to progress beyond sterile criticism and by the concern to be objective. As the World Conference on Human Rights in Vienna had reaffirmed, democracy, development and respect for human rights were interdependent and mutually reinforcing. The promulgation of laws in favour of civil and political rights and fundamental freedoms assuredly encouraged the emergence of democratic societies but could not guarantee their durability. The responsibility of Governments was all the weightier and the more delicate in that they were required to create the necessary political, economic, social and legal conditions to ensure the success of the transformation.

32. On the prompting of President Ben Ali, Tunisia had opted to develop a form of society based on the rule of law and the promotion of the human rights and fundamental freedoms of the individual that would be concerned, open and tolerant. In-depth reforms had been gradually undertaken to promote a culture of democracy, strengthen political pluralism and encourage the exercise of public freedoms. New institutions had emerged, such as the Constitutional Council, the Higher Committee on Human Rights and Fundamental Freedom, the human rights units in the principal ministries and the Ministry of Human Rights. The Constitution, which embodied the principle of a multi-party system, had been amended to permit more than one candidate to stand for president. As a result of a new amendment to the Electoral Code adopted in 1998, the opposition parties would henceforth have not less than 20 per cent of the seats in Parliament and

in the municipal councils. The position of choice which women occupied in Tunisia's form of society would be consolidated by the minimum quota of 20 per cent reserved for them at the forthcoming municipal elections.

33. Those reforms had been confirmed by other measures concerning the administration of justice, and criminal justice in particular. The duration of police custody had been reduced from 10 to 3 days, renewable only once, while community service was currently used to replace imprisonment and criminal legislation concerning the prevention of torture had been brought into line with the United Nations Convention against Torture. A bill to establish the second hearing principle in criminal matters was being discussed and a second bill was under study with a view to instituting the post of visiting magistrate. Other steps had been taken to guarantee freedom of opinion and expression, which was the sine qua non of democracy. The Press Code had been amended several times to strengthen the protection of journalists and newspapers. The Ministry of Information had been abolished and the powers of the Higher Council of Communications reinforced. The act on the public financing of political parties of July 1997 had been supplemented by provisions governing support for the newspapers of political parties with a view to the State bearing part of the costs of paper and printing.

34. The report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tunisia (E/CN.4/2000/63/Add.4) called for some comment. It should first of all be remembered that the Special Rapporteur's visit to Tunisia had taken place at the invitation of the Tunisian Government which had always cooperated with United Nations human rights organs. The Tunisian Government had not, however, been consulted before the final version of the report was published. Furthermore, the report contained many inaccuracies and unjustified allegations concerning pluralism, justice, women and the media. The Special Rapporteur had paid little attention to Tunisia's achievements in those areas but had lingered over matters which had not at any time been a subject of discussion with the Tunisian authorities, and had reproduced information given out by certain NGOs of distinctly dubious credibility. The previous day, one of those NGOs had yet again used the Commission to spread lies about Tunisia. Lastly, the Special Rapporteur made no mention of the replies Tunisia had furnished to his earlier communications concerning particular allegations. The Government of Tunisia therefore reserved the right to reply at a later stage to the allegations contained in the report, which it would have liked to be more objective and impartial.

35. Ms. KUNADI (India) said that terrorist acts violated the most fundamental right of all, the right to life, and infringed upon all other human rights. Her delegation thus appreciated the fact that the Special Rapporteur, Ms. Koufa, had examined in detail, in the report she had submitted to the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/1999/27), the impact of terrorism on the life, liberty and dignity of the individual and on social peace and public order. Terrorism was totally at odds with democracy and freedom of expression. By seeking to prevent others from exercising their freedom of expression and opinion and participating fully in the political process of their country, perpetrators of terrorist acts struck at the very roots of democracy. There was also an urgent need to consider the issue of the responsibility of non-state actors who perpetrated terrorist acts. There was too much of a tendency to place emphasis on the human rights of terrorists while ignoring the gross violations of human rights of which they were guilty.

36. Her Government was in complete agreement with the provisions of the Declaration on Measures to Eliminate International Terrorism which stated that nothing could justify terrorist acts and required Member States to refrain from organizing or instigating terrorist acts on the territory of other States or tolerating or encouraging on their territory activities directed at the commission of such acts. Unfortunately, certain States used terrorism as an instrument of foreign policy. A pernicious link between drugs, money laundering and terrorism had also emerged over the years, thus accentuating the threat posed by terrorism to human rights.

37. Her country had been the victim of one of the most brutal manifestations of terrorism aided and abetted by a foreign Power. A neighbouring country that had long coveted the Indian State of Jammu and Kashmir financed terrorist organizations, furnishing sophisticated weapons to them and operating training camps for terrorists on its territory as part of the proxy war it had been conducting against India for the past 10 years. No means were too degrading or inhuman to satisfy its political and territorial ambitions. The armed forces of that country, which provided backing for the terrorists, paid scant heed to the principles of international humanitarian law and committed gross violations of human rights. As the victim of terrorism and fully realizing the grave danger it posed to enjoyment of human rights, India was resolved to promote the efforts of the international community to develop a common approach to combat terrorism. It welcomed the General Assembly's decision to begin negotiations on an international convention on terrorism. She hoped that such a convention would become a first key step towards the elimination of gross violations of human rights by terrorists recruited, trained and financed abroad.

38. As for religious intolerance, her delegation regretted that the Special Rapporteur on that issue had not taken account in his report (E/CN.4/2000/65 and Add.1) of the information furnished by her Government on certain acts of violence committed against the members of a religious minority in India. The Indian Constitution guaranteed the freedom of religion of all its citizens and prohibited all forms of discrimination on grounds of religion. The incidents in question were largely the handiwork of criminal and fringe elements and did not form part of a context of organized incitement to violence against the minority in question. The Government had rapidly taken the necessary steps to protect the members of that minority and to prosecute those responsible. It had more than once stated clearly that there was no room for religious bigotry in India's open and pluralist society and that under no circumstances would it condone such acts.

39. Mr. EL TALIB (Sudan) said that his country was party to all the major human rights instruments and signatory to the United Nations Convention against Torture. Articles 20 and 30 of the Constitution of Sudan, which had been in force since July 1998, provided for the right of every citizen not to be arrested or detained arbitrarily and not to be subjected to torture. The Advisory Council for Human Rights established in 1994, exercised the role of a national human rights commission and investigated all communications concerning violations of human rights addressed to it. The Committee for the Elimination of Abduction of Women and Children had been established in 1999 in response to requests by the Commission in resolution 1999/15. In addition, the National Security Act of 1994 had been amended in order to bring it into conformity with the Bill of Rights enshrined in the Constitution and the Government had signed

a technical assistance agreement with the Office of the High Commissioner for Human Rights (OHCHR) to provide technical assistance to implement human rights instruments more effectively.

40. The Constitution established a separation of powers between the executive, the legislative and the judiciary. The Chief Justice was appointed by the President of the Republic on the recommendation of the Supreme Council of the Judiciary. The period of service of judges and their immunities or the disciplinary sanctions they might incur were determined by law. The establishment in 1998 of the Constitutional Court as the custodian of the Constitution had given an additional dimension to the judicial system in Sudan.

41. Sudan was a multiracial, multicultural, multi-religious and multi-ethnic society with 572 tribes speaking more than 600 dialects. Social and religious tolerance was therefore deeply rooted in the Sudanese conscience and embodied in the 1998 Constitution. Article 24 provided for the right to freedom of creed and worship. Any Sudanese citizen could freely exercise his rights irrespective of sex, colour, religious beliefs, social or economic situation, political status or origin. The Constitution prohibited religious intolerance. It authorized the application of Sharia law in the 16 states of Northern Sudan where the majority of the population was Muslim. More than 336 new churches had been built in those states between 1989 and 1999. His Government had invited Pope John Paul II in 1993 and the Archbishop of Canterbury had visited Sudan in late 1995. In accordance with the provisions of the Constitution, the personal and religious customs, laws and rituals of Christians and other religious groups were duly respected and recognized by the State, whether they lived in the north or the south.

42. His delegation reiterated the desire of the Sudanese Government to respect human rights and fundamental freedoms, particularly freedom of religion and hoped that the international community would recognize its endeavours to improve the human rights situation in the Sudan.

43. Mr. HAMIDON (Observer for Malaysia) said that everyone would agree that democracy, for all its imperfections, remained the best form of social and political organization and provided the best guarantee for the promotion and protection of all human rights. A democratic society was one where the rule of law was clearly established, where the Government respected the civil and political freedoms of its citizens and where the latter had a sense of their responsibilities. The rights and responsibilities constituted the two sides of what might be called the democratic equation.

44. Responsibilities corresponded to some extent to limitations on rights. In the International Covenant on Civil and Political Rights, for example, they were defined by what they sought to defend, namely, public order, public health or morals and the rights and freedoms of others. The delegation which, in a statement under agenda item 9, had spoken of the alleged repression of freedom of opinion and freedom of peaceful assembly in Malaysia had manifestly ignored one of the terms of the aforementioned equation and should reread attentively the International Covenant on Civil and Political Rights. When Malaysia had acceded to independence, its future was considered to be hopeless, particularly as it was a multi-ethnic society with an economy based on the export of commodities. If the country had in fact been successful, it was not only as a result of democracy and a judicious socio-economic policy but also because its citizens, with a sense of a shared common destiny, had shown a great sense of responsibility.

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45. Several speakers had expressed their concern about the suit filed against the Special Rapporteur on the Independence of Judges and Lawyers, Mr. Param Cumaraswamy. Given the complexity of the case, his delegation had a document available to any interested person in which the Malaysian Government gave its detailed views on the issue. His delegation had noted in the paragraphs of the report relating to Malaysia (E/CN.4/2000/61, paras. 193 to 206) some unfavourable inferences concerning the intentions or actions of the Malaysian Government. For example, the Special Rapporteur gave the impression that the local press had given wide coverage to the speech made by the Malaysian Prime Minister to the United Nations General Assembly in September 1999 because it related to the Special Rapporteur himself. Nothing could be further from the truth. The press had given the same prominence to that statement as to any other statement by the head of Government to an important assembly.

46. If the Commission's work was to be truly meaningful, it should not be content with listening to criticism but should also consider the facts objectively and without selectivity or amateurism.

47. Mr. SGARBI (Observer for Uruguay) said that human rights should be protected both by States and by the international community as a whole, the former by adopting laws for the purpose and the latter by continuing to encourage the development of international law. His Government had always condemned violations of the right to life. It therefore supported the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the efforts of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. That draft was an important one since it provided for the establishment of a mechanism to prevent torture, which would operate according to the principles of confidentiality and cooperation.

48. His Government would support all initiatives to establish new instruments to prevent enforced disappearances and punish the perpetrators. It urged the Commission to consider the draft international convention on the protection of all persons from enforced disappearance.

49. At the dawn of the new millennium, every effort should be made to establish a world where human beings would be free to speak and to believe, and free from terror and poverty. All individual and collective efforts should converge on that goal.

50. Mr. REZVANI (Observer for the Islamic Republic of Iran) said that freedom of expression was one of the pivotal principles of civil society and the Islamic Revolution had restored to a place of honour popular and democratic norms, values and principles. The democratization currently in progress in the Islamic Republic of Iran was based on the solid foundation of democratic Islamic principles. The Government was resolutely determined to pursue its reform programmes. In particular, it intended to protect constitutional liberties, uphold the rule of law and democratic norms and institutions, enhance the role of the people in

government, require full accountability of public officials, increase transparency, strengthen the institutions of civil society, promote tolerance and a pluralist society and break down the old barriers in foreign relations.

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51. Concrete measures had been taken in recent years to provide a favourable environment for the full realization of all human rights, including freedom of expression and significant progress had been made with regard to the press. During the last two and a half years, more than 400 new publications had emerged, bringing the total number of newspapers and periodicals to 1,260. The daily press currently had a circulation of 3 million copies, three times what it had been two years previously.

52. Mr. VIGNY (Observer for Switzerland) said that the draft optional protocol to the Convention against Torture should be accepted by a very large majority of States since it emphasized cooperation through what was in principle a confidential dialogue, the purpose of which was to provide States with technical and financial assistance intended to prevent torture by the inspection of places of detention.

53. His Government hoped that the mandate of the Working Group on Arbitrary Detention would be renewed for three years and strongly urged the Working Group to continue developing a follow-up procedure to permit continuing dialogue with the countries to which it had addressed its recommendations. His Government hoped that the Governments of Nepal and Viet Nam would continue to cooperate with the Working Group by implementing the follow-up procedure as the authorities of Bhutan and China had already done. It considered that the Working Group was justified in addressing communications and urgent appeals to Israel concerning detention in Al-Khiam prison, in that it had been established that the South Lebanese Army was acting on behalf of Israeli defence. It further welcomed the fact that the Working Group had been able to visit Indonesia and East Timor in 1999 and that it was intending to visit Australia in 2000 and Belarus in 2001. It regretted, however, that it had been unable to visit Bahrain.

54. In recent years, nearly 50,000 persons had disappeared in 70 countries. In view of the extent and the gravity of the problem, the Commission should consider in depth the draft international convention on the protection of all persons from enforced disappearance adopted by the Sub-Commission. The Secretary-General could invite States and intergovernmental and non-governmental organizations to transmit their observations on the draft to him so as to enable the Commission to assess the timeliness of establishing a working group to consider it. Another alternative could be to entrust an independent expert with the preparation of a revised version of the draft convention in the light of the observations made by States and intergovernmental and non-governmental organizations and by the Working Group on Enforced or Involuntary Disappearances and to submit the revised draft to the Commission at its next session.

55. With reference to extrajudicial, summary or arbitrary executions, the gravity of which Ms. Asma Jahangir had revealed in her report (E/CN.4/2000/3 and Add.1 to 3), it was regrettable that 33 States had failed to reply to any of the communications addressed to them by the Special Rapporteur in 1999, that Yemen had not replied for five years, Cambodia and Papua New Guinea for four years, and Rwanda, Romania and Sri Lanka for three years. His delegation welcomed the fact that the Special Rapporteur had been able to visit Macedonia and Albania in order to evaluate violations coming under her mandate in Kosovo, although she had not yet been able to visit that region of the Federal Republic of Yugoslavia. She had also been able to visit Mexico and East Timor and had received positive replies from Nepal, Turkey and Colombia. It was to be hoped that the same would be the case for Algeria, Sierra Leone, Bahrain and Uganda. His delegation endorsed the Special Rapporteur's conclusions concerning traditional practices affecting the right to life, particularly so-called "honour crimes" and violations of the right to life of persons belonging to sexual minorities.

56. Ms. ANDERSON (Observer for Ireland) said that the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, had once against drawn the Commission's attention in his report (E/CN.4/2000/61) to the issue of the intimidation of defence lawyers in Northern Ireland and the need to initiate an independent judicial inquiry into the murder in Belfast more than 10 years previously of Patrick Finucane, a highly respected defence lawyer. The Special Rapporteur had also expressed concern at allegations that the security forces might be implicated in that murder and at the failure to publish the second Stevens report. Her Government shared those concerns. On 24 February, the Taoiseach (Prime Minister) had reiterated the view that a public inquiry was needed in order to clarify the murder of Patrick Finucane. On 15 March 1999, Rosemary Nelson, a defence lawyer and human rights defender, had died in a car-bomb attack. The Irish Government had repeatedly emphasized that the investigation into her murder must be thorough, transparent and independent. It believed that it was essential that the truth of the circumstances surrounding Rosemary Nelson's death should be definitively established at the earliest possible date.

57. Her Government welcomed the fact that the question of the intimidation of defence lawyers had been considered in the report, recently published by the United Kingdom Government, of the Review Group set up to examine the criminal justice system in Northern Ireland, in accordance with the Good Friday Agreement. It hoped that the recommendations contained in that report would be rapidly and effectively implemented, thus making a positive contribution to the implementation of the Good Friday Agreement.

58. Her Government strongly endorsed the work of the Special Rapporteur on Religious Intolerance. It was deeply concerned at the persecution undergone by many vulnerable groups, such as the Baha'i community in Iran, and the restrictions on the freedom of religion, particularly in Tibet. It should be recalled that all Governments had a duty to respect and protect the rights of all ethnic and religious minorities. As in the past, her delegation would once again introduce a draft resolution on the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief. She hoped that the draft resolution would be adopted by consensus, as in previous years.

59. Mr. ZHUSSUPOV (Observer for Kazakhstan) said that his country had initiated a process of democratization with a view to establishing the rule of law. First of all, however, the

country had to re-establish its social and political stability and make a start on economic development through reforms. In legal matters, his Government intended to establish a genuine system for the defence of human rights by incorporating into its legislation the basic principles contained in the Universal Declaration of Human Rights, and hoped to achieve a successful balance between national and international interests.

60. The Constitution enshrined the primacy of the international agreements. His country was a party to the Convention on the Rights of the Child and ongoing reforms were moving it in the direction of acceding to the two International Covenants on Human Rights. The National Human Rights Commission had, in collaboration with the United Nations, organized several human rights seminars and conferences and was endeavouring to implement the recommendations of the United Nations concerning activities to be undertaken in connection with the United Nations Decade for Human Rights Education. As a member of the United Nations and of the Organization for Security and Cooperation in Europe (OSCE), Kazakhstan took its international obligations seriously. The Government supervised the legality of State bodies and the integrity of the judicial system. For example, it had achieved good results in combating corruption and organized crime; it had also succeeded in reducing the number of illegal arrests and ensured that there were fewer and fewer irregularities in investigation procedures and preliminary proceedings. It had taken steps to rehabilitate persons unjustly sentenced under the totalitarian regime. Increasing numbers of complaints were being addressed by the general public to criminal, civil, administrative and arbitration bodies, an indication that the judicial system was showing improvement. Lastly, the Head of State had announced the adoption of a strategic plan to run until 2030 in order to defend more effectively the interests of the State, legal entities and citizens through respect for the law and the Constitution.

61. Ms. SCHONMANN (Observer for Israel) said that ensuring freedom of speech was a difficult task since there was a need for Governments to guarantee freedom of speech on the one hand and combat incitement to violence or hatred on the other. The difficulty was exacerbated by the development of information technologies like Internet which could be used to propagate hatred.

62. Israel was currently facing two crucial questions which aroused controversy - the pursuit of peace and the very nature of democracy as applied in the country, which revealed the need to strike a balance between free speech, the maintenance of public order and the prevention of incitement to hatred. In Israel's multicultural and diverse society, the highest priority was attributed to freedom of expression. The authorities had ensured that a minimum number of limitations were imposed on that freedom. The law had always prohibited incitement to hatred and racism. The Israeli parliament, the Knesset, had stiffened sentences for offences committed with racist intent. Racist parties were barred from participating in national and municipal elections, a policy which had been upheld by the Supreme Court. The assassination of Prime Minister Yitzhak Rabin had produced a significant turning-point in attitudes towards incitement to hatred. The Government had realized that the mechanisms adopted to deal with the problem were inadequate and had accordingly decided to establish a special team in the State Attorney's Office to monitor the situation and enforce the law in such cases.

63. Tragically, manifestations of racism and hate speech were currently increasing. In the Middle East, precisely when intensive efforts were being made to advance the peace negotiations between Israel and its neighbours, numerous Arab countries, including those party to the peace negotiations, were engaging in anti-Semitic propaganda and even holocaust denial to win public support for their cause and to frustrate any step towards normalizing relations with Israel.

64. Freedom of expression was a two-edged sword. It could be used to unleash hatred or to enhance respect and tolerance between peoples and neighbours. In the latter case, it could further the cause of peace and cooperation among nations.

65. Mr. REYES (Cuba), speaking on a point of order, protested against the statement to be made on behalf of Nicaragua by Mr. Luis Zuñiga, who was mentioned by name in connection with terrorist activities on pages 13 and 16 of the report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2000/14). His delegation opposed the presence in the Commission of a notorious confirmed terrorist who had been involved in or who had encouraged activities against the people of Cuba. He asked the Secretariat for details of the form and legitimacy of Mr. Zuñiga's accreditation.

66. Mrs. IZE-CHARRIN (Secretary of the Commission) read out a note verbale from the Permanent Mission of Nicaragua to the effect that, as from 29 March 2000, Mr. Luis Zuñiga would join the Nicaraguan delegation to the fifty-sixth session of the Commission. Mr. Luis Zuñiga was therefore duly accredited.

67. Mr. REYES (Cuba) said that a mere diplomatic note and a disguise as a diplomat could not obliterate the perpetration of terrorist activities and that the Commission, in its role of promoting and protecting human rights, was not required to listen to persons who had precisely worked in violation of those rights. He requested that his protest be reflected in the summary record of the meeting.

68. The CHAIRMAN reminded delegations that they were expected to adhere to the propriety of language that was obligatory in the Commission and said that he would not tolerate remarks which ran counter to the harmonious progression of the Commission's deliberations.

69. Mr. ZUÑIGA (Observer for Nicaragua), having first protested against the slanderous remarks made about him, began his statement under agenda item 11, by saying that, after years of struggle both inside and outside the country, the people of Nicaragua were at last able to live in peace in a country where everything possible was being done to promote and protect comprehensively all human rights. Human rights were indivisible and none were more important than the others. Experience had shown, however, that, in the absence of civil and political rights, economic, social and cultural rights were not respected.

70. By and large, democracy went hand-in-hand with development, as could be confirmed by countries which for years had been under dictatorships but had currently opted for democracy. In all countries, it was the political authorities which took decisions concerning the allocation of the available national resources. If those authorities respected civil and political rights, they could remedy violations of economic, social and cultural rights, by, for instance, prosecuting

their perpetrators. The epoch of the dictators was drawing to a close. The new millennium was one of democracy, freedom and human rights and the independence of the State authorities was indispensable to the combat against impunity. It was to be noted that individual and collective freedom of expression was fully guaranteed in Nicaragua. In particular, there were no restrictions on the Nicaraguan press.

71. After the painful experience of the violation of civil and political rights, the Government of Nicaragua called on the international community to continue to work towards an effective implementation of all human rights along with respect for human dignity without any discrimination.

72. Mrs. RUIZ de ANGULO (Observer for Costa Rica) described the various initiatives taken by Costa Rica, nationally and regionally and within the United Nations system, to promote and protect human rights. In collaboration with all the Latin American countries, it had initiated action to strengthen the regional system for the protection of human rights through the establishment of a standing Inter-American Court to which any individual who considered that his rights had been violated could have direct recourse.

73. It was also Costa Rica that, in 1991, had submitted to the Commission a draft text for an optional protocol to the Convention against Torture, the central idea of which was to establish a system of inspections of places of detention by a committee of experts. Cooperation and confidentiality were the two essential principles on which the instrument in question, of a preventive and non-punitive character, was based. Its purpose was to help the States parties improve the protection of persons deprived of their freedom. A constructive dialogue between the sub-committee of experts which would be set up under the protocol and the State party concerned would enable practical and confidential recommendations of a technical nature to be formulated on the best means of preventing torture. Prevention was the most effective means of avoiding human rights violations; hence the importance of the draft optional protocol. Every effort should accordingly be made to achieve a final text. Her delegation welcomed the efforts of the various delegations that had taken part in the work of the working group responsible for drafting it; she complimented its chairperson and urged her to begin informal consultations before the next session.

74. Her delegation also welcomed the activities of the United Nations Voluntary Fund for Victims of Torture. It also hoped that the draft international convention on the protection of all persons from enforced disappearance, submitted to the Commission by the Sub-Commission in 1998, would be considered in the near future.

75. Mr. EL-AMINE (Observer for Algeria) said that, since his election in April 1999 and in the context of the implementation of his electoral programme, the new President of the Algerian Republic had given priority to the rapid and lasting restoration of civil peace. It was necessary to consolidate the rule of law for that purpose, promote and protect human rights and give a new impetus to cooperative relations with the various mechanisms for the protection of human rights.

76. In political terms, that desire had materialized in the adoption of the civil concord act of 12 July 1999 which had been approved by a substantial majority in the popular referendum

of 16 September of that year. In order to consolidate the concord, the President had pardoned a large number of persons, including individuals sentenced in the context of the combat against subversion and terrorism, while many untried prisoners had been released.

77. The judicial system was undergoing in-depth reform in the hands of an independent national commission, the main lines of which were the strengthening of the protection of human rights and public freedoms and the guaranteeing of the independence of the judiciary. The measures adopted on 15 March 2000 as part of the reform were intended to ensure effective control of the judicial police by the Government Procurator's Office, to introduce systematic medical inspections into places of detention, to guarantee the prisoner's right to communicate with his family and to improve conditions of detention.

78. Internationally, Algeria was prompted by a desire for dialogue and cooperation with all those involved in human rights of which the permission given to the Red Cross to visit the prisons of its choice and to meet prisoners unsupervised was part. The mission of Mr. Soarés and the European Union Troika and the visit of numerous foreign delegations of parliamentarians and journalists were proof of his Government's spirit of openness and dialogue. Four NGOs which had expressed the wish to visit the country would do so in May at the invitation of the Algerian authorities.

79. His Government had replied regularly to the communications submitted by non-conventional mechanisms. His delegation would nevertheless have liked some discussion of their working methods during the meetings of the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights. It was convinced that the establishment of clear rules and specific criteria would confer greater pertinence, transparency and therefore effectiveness on the work of those mechanisms.

80. Mr. MERIC (Observer for Turkey) said that terrorism, which targeted innocent civilians and aimed at destabilizing legitimately constituted democratic Governments and undermining the rule of law, had emerged as a new problem to be remedied by the international community. No nation was immune to terrorism. All necessary steps should be taken, in accordance with international law, to prevent and eliminate it in all its forms. The members of the international community must live up to their commitments not to provide a safe haven for terrorists and to bring them to justice.

81. There was a clear link between the combat against terrorism and the protection of human rights since terrorism was accompanied by the violation of fundamental human rights, and particularly the right to life. In his Government's view, the argument that human rights violations could be committed only by States but not by individuals or groups was inadmissible. His Government also considered that reducing human rights violations by terrorists to mere abuse of the human rights of the victims provided an incitement to terrorism.

82. His Government had taken note with satisfaction of the preliminary report of the Special Rapporteur on terrorism and human rights submitted to the Sub-Commission in 1999 (E/CN.4/Sub.2/1999/27) although it regretted that the report did not discuss the question of impunity accorded by some States to terrorists. It recalled, in that regard, the obligation which flowed from Article 4 of the Charter of the United Nations, namely, the commitment of every

member of the international community not to provide a safe haven and not to grant impunity to terrorists. In her forthcoming reports, the Special Rapporteur should also place more emphasis on the content of the resolutions adopted by the Commission. His delegation would, along with other like-minded States, submit a new draft resolution on the question.

83. Mr. EFTYCHIOU (Observer for Cyprus) said that, despite the efforts of the international community, disappearances continued to take place in various parts of the world while the families of missing persons were still ignorant of the fate of their relatives. Such was the situation of families in Cyprus whose members had disappeared after the Turkish invasion of 1974. Despite all the efforts by Cyprus and the appeals to the Republic of Turkey, the work of the Committee of Missing Persons was at a standstill as a result of conditions put forward by the Turkish Cypriot side. His delegation appealed once again for the reconvening of the work of the Committee without conditions and for the implementation of the agreement of 31 July 1997, out of respect for the dignity of the missing persons and their families.

84. His Government remained seriously concerned over the systematic destruction of the cultural heritage of the occupied sector of the island. The list of archaeological sites and museums that had been plundered and destroyed was extremely long. It was an established fact that nearly all Orthodox places of worship had also been looted and destroyed or converted into stables, hay stores or even motels, bars or cinemas as part of a deliberate policy to obliterate every trace of Greek culture which went back to the seventh millennium B.C. To that end the occupation regime had given Turkish names to towns, villages and regions. By such acts, the Government of Turkey was systematically violating the international instruments to which it was a party.

85. The systematic destruction of the religious, historical and cultural identity of a country was an insult to human dignity and a provocation to the international community which had endeavoured through treaties to protect the international cultural heritage. Its disappearance constituted an irreparable loss for all mankind.

Statements in exercise of the right of reply

86. Mr. HUSSAIN (Observer for Iraq), referring to the statement made at the previous meeting by the head of the delegation of Saudi Arabia concerning missing persons, said that it was a purely humanitarian problem and came within the context of international humanitarian law. Iraq itself had 1,150 missing persons, the files on whom had been handed over to the competent institutions. His Government had always made efforts to find a solution to the question of disappearances and was prepared to continue its cooperation with the parties concerned under the auspices of the International Committee of the Red Cross (ICRC) despite attempts by certain circles to exploit that humanitarian problem in order to perpetuate the embargo against Iraq. As to how the body of a Saudi Arabian pilot should be repatriated, his Government was prepared to come to an understanding with Saudi Arabia under the auspices of the ICRC.

87. Mr. ABDELRAHMAN (Sudan) said he categorically rejected the unsubstantiated allegations made by the representative of the United States at the previous meeting concerning the persecution suffered by Christians and believers in traditional African religions in Sudan.

Under the religious freedom guaranteed by the Constitution, several hundred churches had been built in 1998-1999 in the 16 northern states; in the south, where the majority of the population was Animist, shariah was not applied. As far as child slavery was concerned, his Government was aware of the problem and, in 1999, had established a Committee for the Elimination of Abduction of Women and Children, which had been able to find 700 people and reunite them with their families. The United Nations General Assembly, in a resolution of November 1999, had welcomed the action of his Government in that regard.

88. His Government reiterated its firm resolve to respect the fundamental rights of all its citizens. It invited the Government of the United States to assist it in bringing about a lasting peace in the country instead of levelling insulting and unsubstantiated allegations at it.

89. Mr. AL-ERYANI (Observer for Yemen) thanked the Special Rapporteur on extrajudicial, summary or arbitrary executions for her work. There had been no recent extrajudicial executions in Yemen where the practice was prohibited by law. The protection of human rights was irreversible, as his delegation had already asserted, particularly following the establishment in 1998 of a commission for the protection of human rights. A cooperation agreement had recently been concluded between the Government and the High Commissioner for Human Rights during the latter's mission to Sanaa and his Government intended to put that cooperation into active practice.

90. Mr. LIU Jing (China) said he noted that some Western countries and NGOs had formulated unfounded allegations against China under agenda item 11, particularly concerning the Falun Gong movement, which was not, in fact, a religion but an evil cult which used psychological pressure to influence people, in particular by forbidding them to have recourse to medicine. According to estimates, more than 1,500 persons had died as a result. Most members were not aware of the cult's insidious practices or its true intentions. Any Government would act as the Chinese Government had done to protect society and the family. The Chinese Government had endeavoured to dissuade members of the cult without resorting to force and had only punished individual criminals who had broken the law, under article 300 of the Penal Code. Westerners who denounced the Government's handling of Falun Gong had shown no sympathy at all for the tens of thousands of victims of a dangerous cult. They had not hesitated to slander China, with a hidden agenda that had nothing to do with defending human rights. Their attitude should stand condemned by the international community.

91. Mr. HAMIDON (Observer for Malaysia) said he had some comments to make following the statement the previous day by the Asian Cultural Forum on Development concerning the detention of Mr. Anwar Ibrahim, former Deputy Prime Minister of Malaysia. Mr. Anwar had organized demonstrations to topple the legitimately elected Government as a result of which the Government had been forced to take steps to preserve order and legality. Contrary to the image people wished to give of him, Mr. Anwar was neither a reformer nor a champion of democracy. The sincerity of a person who demonized a Government of which he had been a part for 17 years, merely because he had been ousted from power, might well be doubted. The lawfulness of his trial, one of the longest and most complex Malaysia had known, could not be questioned since it had been public and widely reported by the international media. As for the injuries inflicted on Mr. Anwar, which had shocked the Prime Minister himself, they had led to an investigation as a result of which the former chief of police had been tried and sentenced.

92. An appeal had been made to the Commission to seek justice on the pretext that there was no justice in Malaysia; that was untrue. In a democracy, the final court of appeal was the people. In the 1999 elections, the party in power had been returned by a large majority and, in a very recent election, it had collected even more votes.

93. Mr. DUONG CHI DUNG (Observer for Viet Nam) said he wished to correct the distorted picture of the situation in Viet Nam that had emerged from the tendentious statement by the International Federation of Human Rights Leagues. His Government had always endeavoured to protect fundamental rights and freedoms in civil, political, social, economic and cultural life. It attached great importance to the exercise of the freedom of the press in particular. The allegations contained in the statement by the NGO in question were therefore totally unfounded.

94. Mr. Ibrahim (Sudan), Vice-Chairman, took the chair.

95. Mr. GAZIOGLU (Observer for Turkey) said that the question of missing persons in Cyprus had not started in 1974 but in 1963; the Greek Cypriot representative had conveniently forgotten that fact since it had been Turkish Cypriots only who had gone missing between 1964 and 1974. If the Greek Cypriot side was sincere in wishing to settle the problem of the missing persons, it should begin by clarifying the fate of the victims of the July 1974 coup d'état. Everything indicated that most of the missing Greek Cypriots had been killed in the course of the internecine war during the coup. The Greek Cypriot authorities had had the opportunity to observe in 1999 that all the bodies discovered in unnamed graves in Lakatamia military cemetery appeared on their missing persons' list. In order to settle the problem, it was essential to determine the exact number of Greek Cypriots claimed to be missing when their deaths were known to the authorities. It might legitimately be asked why the Greek Cypriot administration had not submitted the list of Greeks killed in action and buried on its territory to the Committee on Missing Persons in Cyprus.

96. The allegations against Turkey of attacks on the cultural heritage had been refuted by respected international sources, including the Council of Europe's Committee on Culture and Education. It was, in fact, the Greek Cypriot side which had always tried to eradicate all traces of the Turkish-Muslim heritage of Cyprus, as could be seen from the arson attack in 1999 on a mosque, one of Islam's most sacred shrines, in the south of the island.

97. Mr. EFTYCHIOU (Observer for Cyprus) said that the statement by the representative of Turkey did not alter the incontestable facts of the looting and destruction of the cultural heritage of Cyprus and was merely an attempt to divert attention through misrepresentation. Moreover, he had been able to quote only a single example of criminal activity, which came under common criminal law and could not be compared with the premeditated activity of the Turks. The Turkish efforts were clearly aimed at obliterating the cultural heritage of Cyprus in the occupied zone after ethnically cleansing the area, but they would not succeed, since the Greek Cypriots would do everything in their power to save their 7,000 year old heritage and culture.

98. With reference to the issue of the missing persons, he would take care not to exacerbate the controversy by making unfounded allegations. He once again called upon Turkey to rise

above political expediency and to put an end to the human drama in a spirit of humanity and cooperation. The families of the missing persons, whether Greek or Turks, all had the right to know the truth about the fate of their relatives.

99. Mr. COLE (Nigeria), referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3), according to which persons charged with crimes committed before the age of 18 had allegedly been executed in Nigeria, said he strongly contested that assertion. The report did not reveal the victims' names. According to an investigation by the Nigerian authorities, however, they were Mr. Chidebere Unuoha and Mr. Okafor, sentenced in 1997 for armed robbery. The court archives confirmed that Mr. Chidebere Unuoha was over 18 at the time of committing the offence and he had been executed in accordance with Nigerian law which still had the death penalty on its statute books. Mr. Okafor for his part had been given a prison sentence only since he had been under 18 at the time of committing the offence.

100. Mr. Chidebere Unuoha had been executed in accordance with the law and his case did not constitute a failure to comply with Nigeria's international obligations under the Convention on the Rights of the Child. The fact that one of the accused had not been executed was proof of the Nigerian Government's desire to meet its international commitments.

101. Mr. GAZIOGLU (Observer for Turkey) mentioned an article by the well-known Greek Cypriot journalist, George Lanitis, published in an English-language weekly. In the text, dated 1 May 1998, the author said that he and many other journalists had been used and manipulated by the Greek Cypriot Government which had sought to propagate tendentious information concerning the situation of the relatives of missing persons. The responsibility of the Greek Cypriot administration, which exploited the grief of the families for political ends, was clear. It was a flagrant violation of human rights since the administration was deliberately deceiving the persons in question and giving them false hopes for propaganda reasons although it well knew that the missing persons had been killed and buried in mass graves by their own kinsmen during the coup d'état orchestrated by Athens.

102. Mr. EFTYCHIOU (Observer for Cyprus) recalled that, in a television broadcast, Mr. Denktash, the Turkish Cypriot leader, had callously admitted that Greek prisoners of war had been handed over by the Turkish army to Turkish Cypriot paramilitary forces and executed. In a 1983 report, the European Commission of Human Rights had observed or discovered indications that persons who were still missing had been arrested by the Turks in 1974 and that Turkey had failed to account for their fate. The Commission had concluded that Turkey had violated Article 5 of the European Convention on Human Rights.

103. He expressed surprise that the representative of Turkey had chosen to take affront at his short statement on a purely humanitarian matter, intended to apprise the Commission of the most tragic aspect of the situation in Cyprus and to call for the assistance of everyone in resolving it. With no wish to fuel the polemics, he would limit himself to renewing his appeal to the Turkish side to collaborate in the efforts to put an end to the human drama of the families of the missing persons on both sides, who had the right to be informed of the fate of their relatives.

The meeting rose at 6.20 p.m.